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No.

IN THE

Supreme Court of the United States

OCTOBER TERM, 1997

DENISE LADSON,

Petitioner,

v.

ANTHONY LADSON, SR.,

Respondent.

On Petition for a Writ of Certiorari to the Appellate Court of Illinois, First Judicial District

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

Whether a state judicial order which is automatically entered without prior notice and without a hearing, in every divorce case, and which prohibits either parent from leaving the state with their minor child, infringes the mother's constitutional rights to travel and to procedural due process.

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PETITION FOR WRIT OF CERTIORARI

Petitioner Denise Ladson respectfully requests that a writ of certiorari issue to review the judgment of the Appellate Court of Illinois, First Judicial District, entered on December 31, 1997.

OPINIONS BELOW

The opinion of the Appellate Court of Illinois (Pet. App. 1) is not reported. The order of the Supreme Court of Illinois denying leave to appeal (Pet. App. 7) is not reported.

JURISDICTION

The judgment of the Appellate Court of Illinois was entered on December 31, 1997. A timely petition for leave to appeal to the Supreme Court of Illinois was filed on March 11, 1998, and denied on June 3, 1998. This Court's jurisdiction is invoked under 28 U.S.C. § 1257.

28 U.S.C. § 2403(b) may apply with regard to the State of Georgia. A copy of this petition is being served upon the Attorney General of the State of Georgia by petitioner. The lower court did not certify to the Attorney General of the State of Georgia the fact that the constitutionality of a statute of that State was drawn into question.

LEGAL PROVISIONS INVOLVED IN THIS CASE

U.S. Const., amend. XIV, § 1.

Ga. Code § 19-1-1.

These provisions are set forth at pages App. 8 to App. 9 of the petitioner's appendix.

STATEMENT OF THE CASE

Petitioner Denise Ladson and respondent Anthony Ladson, Sr., formerly wife and husband, are the mother and father respectively of Anthony Ladson, Jr., age 5. (R. C4, C17) Respondent is a resident of Georgia, and petitioner is a resident of Illinois. (R. C4, C17)

On October 28, 1996, the child Anthony Jr. was temporarily visiting with his father Anthony Sr. in Georgia. On that day, petitioner attempted to return with Anthony Jr. to Illinois, but was prevented from doing so. (R. C12)

The next day, October 29, 1996, the respondent-husband filed a divorce case in Georgia in which he sought custody of the child. (R. C29) On the same day that he filed his divorce case in Georgia, the respondent was awarded custody of the child by the Georgia court. (R. C35) Also on that same day, the Georgia court, without a prior hearing, automatically entered a pre-printed form standing order which had been signed by the chief judge in blank (i.e. without any particular case reference) eight months before this case was filed. The form order provided in pertinent part (Pet. App. 10 to Pet. App. 11):

> This order binds the parties in the above styled action, their agents, servants, employees and all other persons acting in concert with such parties.
>
> Each party is hereby enjoined and restrained from causing or permitting the minor child(ren) of the parties to be removed from the jurisdiction of this court.
>
> * * *
>
> This order shall apply to all domestic cases as defined by the Uniform Superior Court Rules and shall be a standing order until further action by this court.

This standing order was entered pursuant to a Georgia statute which provided that upon the filing of any domestic relations action, the court may issue a general standing order in such action which would provide the relief granted in the instant standing order. Ga. Code, § 19-1-1.

On November 1, 1996, contrary to the standing order, petitioner left Georgia and returned to Illinois with her child. (R. C40)

On November 8, 1996, the Georgia court ruled that the petitioner had violated the standing order. The court therefore ordered the child returned to Georgia, awarded custody to the respondent, and requested the authorities in Illinois to assist in the return of the child to Georgia. (R. C49, C50)

On November 20, 1996, petitioner filed a divorce case in Illinois against respondent in which she sought custody of the child. (R. C4, C5) Petitioner's Illinois custody petition came before the Illinois court on November 25, 1996, at which time the Illinois judge was

presented with a copy of the Georgia standing order. (Supp. R. C5) The Illinois judge ruled that Illinois was obligated to give full faith and credit to the Georgia standing order and that the Georgia standing order deprived Illinois of jurisdiction. (R. C59, Supp. R. C5-C6, C10) As a result, the petitioner's custody case in Illinois could not proceed because of the existence of the Georgia standing order, and petitioner never regained custody of her child.

Thus, a substantial factor in petitioner's loss of custody of her child in both Georgia and Illinois was the Georgia standing order.

Petitioner respectfully asserts herein that the Georgia statute and order are unconstitutional. The constitutional argument was timely raised by the petitioner in the trial court in Illinois on December 17, 1996 in a document she filed entitled "Affidavit of Deprivation of Denise's Federal Rights Under the United States Constitution Involving a Court Rule [of] Procedure." (Supp. R. C2) Petitioner therein stated: "This affidavit is offered to establish that my constitutional right guaranteed by federal U.S. Constitution has been violated. The [sic] exist a court procedure rule which gave custody of my child to Mr. Ladson. Yet the court rule [of] procedure deprives another citizen of a guaranteed right. All DeKalb County [Georgia] citizens who file their divorce actions in the superior courts, are given, automatically the restraining order, because it is a court rule [of] procedure." (Supp. R. C2)

When this affidavit was presented to the Illinois judge on December 20, 1996, petitioner verbally argued: "The only reason I am up here is I am exercising my constitutional right." The court adjudicated the consti-

tutional claim at that moment by holding: "Your constitutional rights have already been exercised, and you have to litigate this case in Georgia." (R. 24)

Petitioner raised the constitutional issue on appeal in the Appellate Court of Illinois. In her reply brief to the Appellate Court she argued that "the underlying exercise of jurisdiction by the Georgia superior trial court concerning Anthony Ladson Jr.'s custody is invalid and patently unconstitutional. . . ." (Petnr. Reply Brief, App. Ct. of Ill., p. 12) Further, in her application for certificate of importance in that court, petitioner argued that Georgia Code § 19-1-1 was "impeding the exercise of [her] rights to travel and move freely among [the] states, without due process." (Petn. for Certif. of Importance, pp. 3 and 4.) Petitioner also asserted in that same document that § 19-1-1 and the standing order in other ways violated her 14th Amendment due process rights. (Petn. for Certif. of Importance, pp. 5 to 6, 9 to 10, 13.)

The Appellate Court disposed of the constitutional issue by affirming the trial court. (Pet. App. 1)

Petitioner thereafter again raised the constitutional issue in her petition for leave to appeal to the Supreme Court of Illinois, arguing in her petition that the rights guaranteed to her under the 14th Amendment of the U.S. Constitution were deprived because Georgia restrained her in Illinois under the Georgia statute, § 19-1-1, under which the standing order was made. (Petn. Leave to App., pp. 16 to 18)

The Illinois Supreme Court thereafter disposed of the constitutional issue by denying the petitioner's petition for leave to appeal. (Pet. App. 7)

REASONS FOR ALLOWING THE WRIT

I.

PETITIONER'S CONSTITUTIONAL RIGHT TO TRAVEL WAS INFRINGED BY A STATE STATUTE AND JUDICIAL ORDER, AUTOMATICALLY ENTERED IN EVERY DIVORCE CASE, WITHOUT NOTICE AND WITHOUT A PRIOR HEARING, WHICH PROHIBITED HER FROM LEAVING THE FORUM STATE WITH HER CHILD.

Freedom to travel throughout the United States has long been recognized as a basic right under the U.S. Constitution. The right to travel has been described as a privilege of national citizenship, and as an aspect of liberty which is protected by the due process clauses of the Fifth and Fourteenth Amendments. It is a right that has been firmly established and repeatedly recognized by this Court for 150 years. *Dunn v. Blumstein*, 405 U.S. 330, 338, 92 S.Ct. 995, 1001 (1972); *Shapiro v. Thompson*, 394 U.S. 618, 630, 89 S.Ct. 1322, 232 (1969); *See, e.g., Paul v. Virginia*, 8 Wall. 168, 180 (1869); *Crandall v. Nevada*, 6 Wall. 35, 43-44 (1868); *Passenger Cases*, 7 How. 283, 492 (1849).

Although the right finds no explicit mention in the Constitution, it has been suggested that a right so elementary was "conceived from the beginning to be a necessary concomitant of the stronger Union the Constitution created." *United States v. Guest*, 383 U.S. 745, 758, 86 S.Ct. 1170, 1178 (1966). In light of the unquestioned historic acceptance of the principle of free interstate migration, and of the important role that principle played in transforming many states into a single nation, this Court has never "felt impelled to locate this right definitively in any particular constitutional pro-

vision." *Shapiro, supra*, 394 U.S. at 630. Whatever its source, the effect of the right to travel is that no state may tax or penalize a citizen for exercising his right to leave one state and enter another. *Jones v. Helms*, 452 U.S. 412, 418, 101 S.Ct. 2434, 2439 (1981).

A state law implicates the right to travel when it either actually deters such travel, or impedes travel as its primary objective, or uses any classification which penalizes the exercise of the right. *Attorney General of New York v. Soto-Lopez*, 476 U.S. 898, 106 S.Ct. 2317 (1986). Most of the cases adjudicated by this Court regarding the right to travel have involved the indirect burdening of the right. More particularly, recent cases before this Court have involved state laws which classify residents according to the time they established residence, and which treat existing residents more favorably than new migrants to the state. *See, e.g., Hooper v. Bernalillo County Assessor*, 472 U.S. 612, 105 S.Ct. 2862 (1985); *Zobel v. Williams*, 457 U.S. 55, 102 S.Ct. 2309 (1982); *Sosna v. Iowa*, 419 U.S. 393, 95 S.Ct. 553 (1975); *Memorial Hospital v. Maricopa County*, 415 U.S. 250, 94 S.Ct. 1076 (1974).

Few, if any, civil cases have come before this Court in which a state prohibited an American citizen from leaving the state, on penalty of contempt of court and incarceration. Nonetheless, situations certainly can exist in which a state may prevent a citizen from leaving the state, without Constitutional violation. The most obvious is the case in which someone has been convicted of a crime within the state. Such a person certainly may be detained in the state, and returned to it if he is discovered in another state. Even before trial or conviction, an arrest may result in temporary de-

tention. Similarly, if a person commits a crime and leaves the state before he is arrested or convicted, he may be extradited following a summary proceeding. Clearly, anyone committing a crime in a state may be stopped at its borders and deprived of his freedom to travel either inside or outside the state. *Jones, supra*, 452 U.S. at 418. Outside of the context of criminal law, however, a state has very limited authority to prevent American citizens from entering and leaving the state at will.

The instant case directly confronts the question of whether a state may, in a civil proceeding, without prior notice and without a hearing, pursuant to a statute and a standing court order that is automatically entered in every divorce case, enjoin divorcing spouses from leaving the state with their minor children.

In pertinent part, the standing order provides: "Each party is hereby enjoined and restrained from causing or permitting the minor children of the parties to be removed from the jurisdiction of this court." (Pet. App. 10) As the standing order is entered upon the *filing* of every divorce action in DeKalb County, Georgia, with no notice to either party, as of the moment of filing both spouses are automatically deprived of the right to travel out of state with their minor children. This deprivation is clearly unconstitutional.

While the Georgia legislature may labor under the belief that divorces in Georgia are strictly local affairs undertaken between Georgia residents, this belief has no basis in reality. America is an increasingly mobile society. Now, more than any time in America's history, Americans are on the move. It is not uncommon for

people living in State A today to move to State B tomorrow, and vice versa. Nor is it uncommon for spouses to separate and move back to whichever state they came from. The Georgia statute and standing order in this case ignore this reality and ignore the Constitution, and impose travel restraints on both in-state and out-of-state residents alike, as the following hypothetical readily demonstrates.

Assume the existence of a married couple who are separated. The husband lives in Georgia, and the wife lives in Illinois with their five year old son. The wife takes the child to Georgia to visit the husband, his father. While the wife is in Georgia with the child, the husband files for divorce. The instant he files his divorce complaint, the standing order is entered restraining both parents from removing the child from the jurisdiction of the court. Pursuant to the order, the wife is now prohibited from leaving Georgia with her child. The wife is now faced with a Hobson's choice: she can leave Georgia, but she must do so without her child. For all practical purposes, her right to travel as she chooses has been infringed upon—without notice, without a hearing, without any adjudication whatsoever of her individual case. Automatically, she has lost the right to leave the confines of Georgia with her five year old son.

Had the wife known of the divorce proceeding and the standing order before she left Illinois to travel to Georgia, her right to travel would have been infringed upon in a different fashion. In such case, the wife would be free to travel to Georgia by herself, but not free to travel to Georgia with her child, assuming that she planned to return to Illinois with him. As long as the

standing order is in effect, once the child has entered the state of Georgia, neither parent may remove him from the state. Again, the wife's right to travel has been infringed, because the state has arbitrarily denied her the freedom to exercise that right in a meaningful manner. The standing order, in essence, is an invitation to the wife that reads: "Please feel free to visit Georgia anytime you like. All minor children accompanying you on your visit must remain in Georgia indefinitely." Manifestly, the state is penalizing the wife for making a decision to travel with her child. This is flatly unconstitutional.

The facts in the instant case are scarcely less egregious than those of the hypothetical. The petitioner lived in Illinois with her five year old son. Her estranged husband lived in Georgia. The child was sent to Georgia to visit his father, and when the petitioner arrived to pick her child up and take him back to Chicago, the husband filed for divorce. The statute and standing order operated to prevent the wife from returning to Illinois with her child, just as they did in the hypothetical above.

If the statute and standing order in this case are allowed to stand, the petitioner and a multitude of similarly situated people will have their right to travel freely between states transformed into a conditional right. Instead of enjoying an unfettered right to travel between states, people now travelling to Georgia may have to give up something in order to leave the state—their children. Georgia's statute and standing order now predicate the right to travel on a person's marital and parental status. If one is married and has minor chil-

dren, and one's spouse files a divorce petition in Georgia, one's right to travel is instantaneously abridged. Whether one lives in Georgia or not, whether one's children live in Georgia or not, is not taken into account. The iron curtain of law is raised at the borders of Georgia, and will not let the children leave the state.

II.

PETITIONER'S RIGHT TO DUE PROCESS WAS VIOLATED BY STATE LAW WHICH DEPRIVED HER OF CUSTODY OF HER CHILD WITHOUT A HEARING.

For more than a century, the central meaning of procedural due process has been clear: "Parties whose rights are to be affected are entitled to be heard; and in order that they may enjoy that right they must first be notified." *Fuentes v. Shevin*, 407 U.S. 67, 80, 92 S.Ct. 1983, 1994 (1972). If the right to notice and a hearing is to serve its full purpose, it is clear that it must be granted at a time when the deprivation can still be prevented. Historically, this Court has insisted that the opportunity for a hearing must be provided *before* someone is deprived of his property or his liberty. *See, e.g., Bell v. Burson*, 402 U.S. 535, 542, 91 S.Ct. 1586, 1591 (1971); *Wisconsin v. Constantineau*, 400 U.S. 433, 437, 91 S.Ct. 507, 510 (1971); *Armstrong v. Manzo*, 380 U.S. 545, 551, 85 S.Ct. 1187, 1191 (1965). This is because, in this Court's words:

> At a later hearing, an individual's possessions can be returned to him if they were unfairly or mistakenly taken in the first place. Damages may even be awarded to him for the wrongful deprivation. *But no later hearing and no dam-*

> *age award can undo the fact that the arbitrary taking that was subject to the right of procedural due process has already occurred.* This Court has not . . . embraced the general proposition that a wrong may be done if it can be undone.

Fuentes, supra, 407 U.S. at 82 (emphasis added).

In the instant case, the Georgia statute provides for a standing order to be automatically entered upon the filing of every divorce case in Georgia. The statute and the standing order provide that neither parent may remove their minor child from the jurisdiction of the court. No notice is given and no hearing occurs before the order is entered. Indeed, the standing order was entered eight months before the instant divorce case was filed. (Pet. App. 11)

Returning to the hypothetical outlined previously under point I of this petition, it is apparent that the standing order has the effect of depriving the wife of custody of her minor child. The wife, who is living in Illinois, travels to Georgia with her five year old son to visit her estranged husband, who promptly files for divorce. Pursuant to the standing order, the wife may not take her child out of the jurisdiction, and thus may not return to Illinois with her child. If she wishes to return home to Illinois on the airline flight she has already booked and paid for, she must leave her child behind. If she wishes to remain with her five year old son, she can only do so within the confines of Georgia. For all intents and purposes, the wife has custody of her child only if she is willing to remain in Georgia. The statute and standing order thus deprive the wife of her parental rights—her right to have custody of her child regardless of where she chooses to go—without

notice, without a hearing, and without any judge making a decision based on the facts of her individual case. Clearly, she is deprived of a liberty interest without due process of law.

The fact that the wife has been deprived of her custodial rights without any procedural due process whatsoever is not changed by the fact that she could potentially undo this limitation by petitioning the court to allow her to take her child home to Illinois, and is not changed by the fact that the husband could subsequently serve her with notice and an opportunity to be heard. This Court has repeatedly stressed that parties have a constitutional right to be heard *before* they are deprived of any substantial interests. *Goldberg v. Kelly*, 397 U.S. 254, 90 S.Ct. 1011 (1970). The wife has a right to a hearing *before* she is deprived of her custodial rights, *before* they are limited, *before* they are circumscribed.

Some 25 years ago, this Court wisely noted that it has never embraced the general proposition that a wrong may be done if it can be undone. *Fuentes, supra*, 407 U.S. at 83. These words are particularly apt when applied in the instant case. Here, the wrong committed by Georgia's statute and standing order is that a woman was deprived of the custody of her child. There is no right more fundamental than a parent's right to custody of her child. In the realm of unlawful takings, of unconstitutional deprivations, there are few situations that scream out more loudly for redress than when the state takes a child from his mother without a hearing. The Constitution does not permit such a taking by legislative or judicial fiat, as occurred in the instant case.

CONCLUSION

For all the reasons stated above, petitioner Denise Ladson respectfully requests that the Court issue a writ of certiorari to the Appellate Court of Illinois, First Judicial District.

Respectfully submitted,

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APPENDIX

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App. 1

[Dated December 31, 1997]

IN THE
APPELLATE COURT OF ILLINOIS
FIRST JUDICIAL DISTRICT

No. 1-97-372

DENISE LADSON,	)	Appeal from the
	)	Circuit Court of
Petitioner-Appellant,	)	Cook County.
v.	)	
	)	No. 97 D 17196
	)	
ANTHONY LADSON, SR.,	)	Honorable
	)	Carole Bellows,
Respondent-Appellee.	)	Judge Presiding.

ORDER

Petitioner Denise Ladson appeals from an order of the circuit court of Cook County. The court dismissed her emergency petition for temporary custody of her son Anthony Ladson, Jr., and declined jurisdiction over the custody dispute under section 7 of the Uniform Child Custody Jurisdiction Act (Act). 750 ILCS 35/7 (West 1994). Petitioner asserts that the trial court abused its discretion when it declined jurisdiction over the custody dispute in favor of the courts of the State of Georgia.

On November 20, 1996, petitioner filed a petition in the circuit court of Cook County, seeking a dissolution of marriage and other relief against respondent Anthony Ladson, Sr. Petitioner alleged she was domiciled and

worked in Illinois, the parties' five-year-old son resided with her and respondent lived in Atlanta, Georgia-Petitioner further alleged it was in the best interest of the child that she be awarded custody of the child.

Two days later, respondent filed a motion to dismiss the petition, alleging Illinois courts lacked subject matter jurisdiction over the custody dispute because: a Georgia court had exercised jurisdiction under the Act; respondent's emergency petition for custody of the child was pending in Georgia; respondent filed a complaint for divorce in Georgia on October 29, 1996, and was awarded temporary custody of the child by the Georgia courts on October 29, 1996; and petitioner removed the child from Georgia in violation of a Georgia court order. Attached to the motion were: a copy of respondent's motion for an emergency hearing for custody filed in the Georgia court; the November 8, 1996, Georgia court order granting respondent temporary custody of the parties' son; the affidavit of the sheriff of DeKalb County, Georgia, showing personal service of summons was obtained upon petitioner on October 29, 1996; and petitioner's appearance entered in the Georgia court by her attorney on November 5, 1996.

On November 25, 1996, the circuit court of Cook County entered an order granting respondent's motion to dismiss petitioner's emergency petition for temporary custody and declining to exercise jurisdiction over the issue of custody of the parties' son on the basis that the matter was pending in the Georgia court.

On December 17, 1996, petitioner filed a *pro se* emergency motion to register the Georgia custody judgment in the circuit court of Cook County, claiming that she

had substantial evidence to show that Illinois was her son's home state. To support her motion, petitioner provided an affidavit which asserted that the child was abused by a family member in respondent's residence and challenged the allegations in the pleadings filed by respondent. Petitioner attached a copy of her son's birth certificate, bills, receipts, letters, school attendance and medical reports. The following day, in petitioner's absence, the trial court entered an order finding that the custody dispute was pending before a Georgia court and striking petitioner's motion to register the custody judgment. On December 19, 1996, petitioner filed an emergency motion to set aside the order of December 18, 1996. Without obtaining a ruling on that motion, petitioner filed a timely notice to appeal on January 17, 1997, from the orders of December 18, 1996, and November 25, 1996.

In this appeal, petitioner filed a pro se opening brief, asserting that the trial court abused its discretion when it declined to take jurisdiction on the parties' custody dispute over their son when Illinois was his "home state" and respondent wrongfully detained the child in Georgia during a visit. In a reply brief filed by counsel, petitioner further argues that the trial court erroneously dismissed her petition because the child always lived in Chicago, attended school and received medical care here, and the Georgia court obtained personal jurisdiction over petitioner when she was forced to come there.

The primary purposes of the Act are to avoid jurisdictional competition and conflicts with courts of other states concerning child custody; promote cooperation between courts of other states so that cases may be decided in the best interest of the child; assure that child

custody decisions be made in States that have the closest connection with the child; and discourage continuing controversy over child custody to promote stability in the home environment. 750 ILCS 35/2 (West 1994). Section 4(a) of the Act provides that the circuit court has jurisdiction to make an initial custody judgment or modify an existing one if Illinois is the home state of the child; it is in the best interest of the child that a court of this State assume jurisdiction; the child is present in Illinois; and no other state would have jurisdiction. 750 ILCS 35/4(a) (West 1994); *In re Marriage of Rizza*, 237 Ill. App. 3d 83, 89 (1992). The home state of the child is the state where he lived with his parent or parents six consecutive months immediately preceding the commencement of the litigation, but periods of temporary absence are considered as part of the six-month period. 750 ILCS 35/3.04 (West 1994); *McGuane v. McGuane*, 268 Ill. App. 3d 751, 757 (1995). However, Illinois courts "shall not" exercise jurisdiction under this Act if a custody dispute was pending in a court of another state exercising jurisdiction substantially in conformity with the Act when the petition was filed here unless the proceeding is stayed by the other state because Illinois is the more appropriate forum or for other reasons. 750 ILCS 35/7(a) (West 1994); *Gainey v. Gainey*, 237 Ill. App. 3d 868, 870 (1992).

In the present case, petitioner does not deny that she filed the instant emergency petition for custody here during the pendency of the custody proceeding filed by respondent and pending in Georgia. Instead, petitioner argues that Illinois is her son's home state, respondent filed a "fraudulent affidavit" stating that her son "belonged to the State of Georgia" and the Georgia court

did not properly obtain personal jurisdiction over her because she did not receive proper notice of the Georgia proceeding, but only appeared there on the abuse petition. Notwithstanding, the record contains a copy of the affidavit from the sheriff of DeKalb County, Georgia, showing personal service was obtained on petitioner on October 29, 1996. Furthermore, the appearance of petitioner's attorney for the Georgia custody matter was also included in the record.

The record also reveals that upon entering the temporary custody order the Georgia court found that petitioner removed the child from Georgia in "defiance" of the temporary custody order; the child was enrolled in a Georgia elementary school; an emergency condition was created when petitioner "abducted" the child; respondent desired the immediate return of the minor child to the State of Georgia and to his custody, for the child's best interests; the court had personal jurisdiction over petitioner who failed to appear in court; the court had subject matter jurisdiction over the issue of custody; and the court assumed jurisdiction of the child pursuant to the Act and the child was a resident of Georgia.

Before the trial court here entered the order declining jurisdiction, it conducted a pretrial hearing with the parties and conferred with the Georgia court judge. The trial court found that the Georgia court had entered certain orders which should be "recognized and enforced." The record is clear that the Georgia court did not stay the custody dispute filed by respondent, but instead reserved its jurisdiction to resolve "all issues" pending. Section 7 of the Act precludes the trial court from exercising jurisdiction unless the proceeding was

stayed by the Georgia court. In entering its decision to decline jurisdiction, the circuit court explained to petitioner when she appeared with counsel and subsequently, *pro se*, that "this Court must give full faith and credit to the Georgia order" because the Georgia court "exercised jurisdiction and conformed with" the Act.

Furthermore, section 8 of the Act permitted the trial court to decline jurisdiction of the custody dispute because it was incidental to a complaint for divorce filed by respondent before the Georgia court. 750 ILCS 35/7(f) (West 1994). Moreover, the circuit court could properly decline jurisdiction by reason of petitioner's violation of the Georgia court's custody order. 750 ILCS 35/9(f) (West 1994). Therefore, we cannot say the trial court abused its discretion when it declined to exercise jurisdiction over the custody dispute and dismissed the petition for temporary emergency custody filed by petitioner.

Accordingly, the judgment of the circuit court of Cook county is affirmed.

Affirmed.

CAHILL, J., with LEAVITT, P.J., and BURKE, J., concurring.

App. 7

IN THE

ILLINOIS SUPREME COURT

No. 85081

Denise Ladson, petitioner, v. Anthony Ladson, Sr., respondent. Leave to appeal, Appellate Court, First District.

The Supreme Court today DENIED the petition for appeal as a matter of right or leave to appeal in the above entitled cause.

June 3, 1998

U.S. Const., amend. XIV, § 1

No state shall . . . deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Georgia Code, § 19-1-1

Injunctions and restraining orders authorized in domestic relations actions.

(a) As used in this Code section, the term "domestic relations action shall include any action for divorce, alimony, equitable division of assets and liabilities, child custody, child support, legitimation, annulment, determination of paternity, termination of parental rights in connection with an adoption proceeding filed in a superior court, any contempt proceeding relating to enforcement of a decree or order, a petition in respect to modification of a decree or order, an action on a foreign judgment based on alimony or child support, and adoption. The term "domestic relations action" shall also include any direct or collateral attack on a judgment or order entered in any such action

(b) Upon the filing of any domestic relations action, the court may issue a standing order in such action which:

(1) Upon notice, binds the parties in such action, their agents, servants, and employees, and all other persons acting in concert with such parties;

(2) Enjoins and restrains the parties from unilaterally causing or permitting the minor child or children of the parties to be removed from the jurisdiction of the

court without the permission of the court, except in an emergency which has been created by the other party to the action;

(3) Enjoins and restrains each party from doing or attempting to do or threatening to do any act which injures, maltreats, vilifies, molests, or, harasses or which may, upon judicial determination, constitute threats, harassment, or stalking the adverse party or the child or children of the parties or any act which constitutes a violation of other civil or criminal laws of this state; and

(4) Enjoins and restrains each party from selling, encumbering, trading, contracting to sell, or otherwise disposing of or removing from the jurisdiction of the court, without the permission of the court, any of the property belonging to the parties except in the ordinary course of business or except in an emergency which has been created by the other party to the action.

(c) Upon written motion of a party, the standing order provided for in this Code section shall be reviewed by the court at any rule nisi hearing. (Code 1981, § 19-1-1, enacted by Ga. L. 1994, p. 1161, § 1.)

IN THE
SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

ANTHONY IRA LADSON, SR.
Plaintiff/Petitioner

v.

DENISE BARKER LADSON
Defendant/Respondent

ORDER

This order binds the parties in the above styled action, their agents, servants, employees and all other persons acting in concert with such parties.

1.

Each party is hereby enjoined and restrained from causing or permitting the minor child(ren) of the parties to be removed from the jurisdiction of this court.

2.

Each party is hereby enjoined and restrained from doing, or attempting to do, or threatening to do, any act injuring, maltreating, vilifying, molesting, or harassing the adverse party or the child(ren) of the parties.

3.

Each party is hereby enjoined and restrained from selling, encumbering, trading, contracting to sell, or otherwise disposing of or removing from the jurisdiction of the court, any of the property belonging to the parties jointly or individually except in the ordinary course of business.

4.

All parties in all cases of divorce, modification, separate maintenance, or change of custody, where the interests of a child under 18 years of age are involved, whether contested or uncontested, are required to successfully complete the seminar for divorcing parents within 31 days of service of the original complaint upon the original defendant. Failure to successfully complete the seminar as required shall subject the party to contempt or other sanctions, unless excused by the court for good cause shown.

This order shall apply to all domestic cases as defined by the Uniform Superior Court Rules and shall be a standing order until further action by this court.

ORDERED this 1st day of February, 1996.

/s/ Daniel M. Coursey, Jr.
Chief and Administrative Judge
Stone Mountain Judicial Circuit
DeKalb County, Georgia